

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
LEONARD PINA-RODRIQUEZ,
Plaintiff

v.

CORRECTIONAL DIAGNOSTIC IMAGING,
INC., CONTRACTOR,
Defendant

-----x

ANSWER	DOCUMENT
SPECIFIC	SEARCHED
DOC #	INDEXED
DATE	FILED

11/22/21

ORDER OF DISMISSAL

18 CV 5167 (VB)

Copies Mailed Faxed 11/22/21
Chambers of Vincent L. Briccetti

DK

The procedural history of this case is set forth in the Court's Order dated October 19, 2021, including the fact that plaintiff had failed to update the Court as to his current address despite being told on repeated occasions that it was his responsibility to do so, and that if he failed to do so, the Court might dismiss the case. (Doc. #99). The Court's most recent prior Order, dated September 20, 2021 (Doc. #97), which had been mailed to the address on the docket, had been returned as undeliverable because plaintiff was no longer at that address.

In the October 19 Order, the Court directed plaintiff, in bold and underlined font, to update the Court in writing as to his current address by November 2, 2021, and stated that if plaintiff failed to do so the case would be dismissed for failure to prosecute or failure to comply with Court orders pursuant to Fed. R. Civ. P. 41(b). The October 19 Order was mailed to plaintiff at the address on the docket. The October 19 Order was returned to the Court on November 3, 2021 marked "return to sender, released."

To date, plaintiff has failed to update his address in writing. Accordingly, the Court concludes plaintiff has abandoned this case.

In deciding whether to dismiss this case for failure to prosecute, the Court has considered all of the factors set forth in *Lucas v. Miles*, 84 F.3d 532, 535 (2d Cir. 1996). Having done so, the Court dismisses this case with prejudice for failure to prosecute or comply with Court orders. Fed. R. Civ. P. 41(b).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purposes of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

The Clerk is directed to close this case.

Dated: November 19, 2021
White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge